

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 22, 1953. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

20723. Adulteration of butter. U. S. v. Beatrice Foods Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 34846. Sample Nos. 36205-L, 36575-L.)

INFORMATION FILED: August 6, 1953, Southern District of Indiana, against the Beatrice Foods Co., a corporation, Vincennes, Ind.

ALLEGED SHIPMENT: Between the approximate dates of May 16 and July 31, 1952, from the State of Indiana into the States of Illinois and Kentucky.

LABEL, IN PART: (Cases and boxes) "Tip Top Creamery Co. Vincennes, Indiana."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, fly fragments, fly setae, ants, rodent hair fragments, feather barbules, cow hairs, dung fragments, and plant fragments, and by reason of the manufacture of the article from filthy and decomposed cream.

DISPOSITION: February 12, 1954. The defendant having entered a plea of guilty, the court fined it \$1,000.

20724. Adulteration of butter. U. S. v. 22 Boxes (1,408 pounds) * * *. (F. D. C. No. 35551. Sample No. 58994-L.)

LIBEL FILED: August 17, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 22, 1953, by Equity Union Creameries, from Mitchell, S. Dak.

PRODUCT: 22 64-pound boxes of butter at Chicago, Ill.

LABEL, IN PART: "Farmers Union Co-op. Creamery Menno, S. Dakota."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 23, 1953. Fox De Luxe Foods, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for rechurning under the supervision of the Department of Health, Education, and Welfare.

CHEESE

20725. Adulteration of swiss cheese. U. S. v. Joseph A. Staub, Jr. (Staub Cheese & Butter Factory). Plea of nolo contendere. Fine of \$1,000 suspended and defendant placed on probation for 2 years. (F. D. C. No. 34855. Sample No. 66011-L.)

INFORMATION FILED: July 10, 1953, Northern District of Illinois, against Joseph A. Staub, Jr., trading as the Staub Cheese & Butter Factory, Waddams Grove, Ill.

ALLEGED SHIPMENT: On or about December 28, 1952, from the State of Illinois into the State of Wisconsin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 8, 1953. The Government having furnished a bill of particulars in response to the defendant's motion therefor and the defendant subsequently having entered a plea of nolo contendere, the court imposed a fine of \$1,000, which was suspended, and placed the defendant on probation for 2 years.

20726. Adulteration and misbranding of pasteurized process American cheese.

U. S. v. 129 Boxes * * *. (F. D. C. No. 35637. Sample No. 45546-L.)

LIBEL FILED: September 17, 1953, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 13, 1953, by the Spring Maid Packing Co., from New York, N. Y.

PRODUCT: 129 boxes of pasteurized process American cheese at Woonsocket, R. I.

LABEL, IN PART: (Box) "Spring Maid Brand Pasteurized Process American Cheese Net Wt. 5 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing excessive moisture and deficient in fat had been substituted in whole or in part for pasteurized process American cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for pasteurized process American cheese since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: October 22, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

20727. Adulteration and misbranding of pasteurized process American cheese.

U. S. v. 10 Cases * * *. (F. D. C. No. 35634. Sample Nos. 45378-L, 45379-L.)

LIBEL FILED: September 14, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 17, 1953, by the Spring Maid Dairy Products Co., from New York, N. Y.

PRODUCT: 10 cases, each containing 6 loaves, of pasteurized process American cheese at Worcester, Mass.

LABEL, IN PART: (Loaf wrapper) "Spring Maid Brand Pasteurized Process American Cheese Net Wt. 5 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing excessive moisture and deficient in fat had been substituted in whole or in part for pasteurized process American cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for pasteurized process American cheese since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.